

Ayres, Donald

From: Guevara, David [DGuevara@taftlaw.com]
Sent: Tuesday, June 25, 2013 6:19 AM
To: Gonzalez, Maria
Cc: Lam, Shelly; Marks, Thomas; Bednarz, Michael; Jansen, Sally
Subject: RE: FW:

Follow Up Flag: Follow up
Flag Status: Flagged

Maria,

Yes, please proceed with the past cost figure of \$118,046.25, and thank you for having Mr. Bednarz take the time to explain the misunderstanding to the City's insurer.

Thank you.

Taft /

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From: Gonzalez, Maria [<mailto:gonzalez.maria@epa.gov>]
Sent: Monday, June 24, 2013 5:18 PM
To: Guevara, David
Cc: Lam, Shelly; Marks, Thomas; Bednarz, Michael; Jansen, Sally
Subject: RE: FW:

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It is my understanding that Mike has gone through the cost documentation with your insurance contact. I think she had questioned the contractors' annual allocation charge and he explained that to her. Please confirm that we can proceed with the AOC, with its past cost figure of \$118,046.25.

The language and terms of the draft AOC are subject to Agency review.

From: Guevara, David [<mailto:DGuevara@taftlaw.com>]
Sent: Thursday, June 20, 2013 11:46 AM
To: Gonzalez, Maria
Cc: Lam, Shelly; Marks, Thomas
Subject: RE: FW:

Maria,

The insurers inform me that the calculation of the US EPA's past costs in an amount of \$118,046.25 does not comport with the actual invoices provided to us which total \$117,617.27, for a difference of \$428.98.

Can you explain the discrepancy?

Thank you.

Taft /

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From: Guevara, David
Sent: Tuesday, June 18, 2013 3:42 PM
To: 'Gonzalez, Maria'
Cc: Lam, Shelly; Marks, Thomas
Subject: RE: FW:

Yes, thank you for following up on this matter.

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From: Gonzalez, Maria [<mailto:gonzalez.maria@epa.gov>]
Sent: Tuesday, June 18, 2013 3:13 PM
To: Guevara, David
Cc: Lam, Shelly; Marks, Thomas
Subject: FW:

I am checking in to confirm that we can continue to process the AOC. You had asked me to wait until Monday.

From: Gonzalez, Maria
Sent: Friday, June 14, 2013 2:10 PM
To: 'Guevara, David'
Cc: Lam, Shelly; Marks, Thomas
Subject:

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As discussed, I am attaching the current revision of the AOC, along with a comparison document of that revision with the revision I sent you on May 10, 2013. I caught a few spacing, cross reference, and citation errors. For example, the definition of future response costs referenced paragraph 23 (on off-site shipments) instead of 25 (on access); the directions for contesting future response costs at one point referred back to payment in the manner set forth in

paragraph 37 (authority of On-Scene Coordinator) instead of paragraph 39; the financial assurance provision saying that Respondent must comply with 264.143(f) if it seeks to demonstrate the ability to complete the Work through a guarantee or demonstration by a third party referred back to 80.a. (surety bond), instead of 80.(e) and (f), and used "Part" instead of the section symbol for citations to sections in the C.F.R.; and paragraph 83 referenced Section "XV" for Dispute Resolution, instead of XVI. As discussed I also deleted the section on public comment as this Settlement does not compromise our past costs.

The language and terms of the attached draft AOC are subject to Agency review.

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